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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

LIN, KELVIN Y

ART UNIT PAPER NUMBER

2142

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,025

Applicant(s)

PARRY, TRAVIS J.

Examiner

Kelvin Lin

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-20 are rejected under 35 USC 102(e) as being anticipated by Sato et al., (US PG Pub No. 2003/0033395).
3. Regarding claim 1, Sato teaches an peripheral (imaging) device (Sato, [0005], Also the multi-function peripheral is one of the imaging device, according to the specification page 1, [0002]) comprising:
 - a network interface adapted for coupling to a network (Sato, [0005], and fig. 1, element 90, a local network interface, and

peripheral (image) devices, 10,20,30); and

- a processing facility, wherein the processing facility is adapted to request a device configuration from a second peripheral (image) device through the network interface in response to receiving an external upgrade command and a network location of the second imaging device (Sato, [0030], and fig.2, in which the management server 120 in the first image device 60 interacts with the second and third image device 50, 70, via network, receive request from the peripheral (image) device including set configuration for the peripheral (image) devices).

4. Regarding claim 2, Sato further discloses the imaging device of claim 1, wherein the device configuration from the second imaging device is requested from a storage location that is selected from the group consisting of: the second imaging device, a local network site, a remote network site, a website, a server, and a third imaging device (Sato, [0030], [0031], in which the device management server 120 can request and receive the status and configuration from the other peripheral devices).
5. Regarding claim 3, Sato further discloses the imaging device of claim 1, wherein the external upgrade command is given by a management facility which resides on a platform that is selected from the group consisting of: a workstation, a server, a network device, a management interface on the imaging device, an embedded webserver in an imaging device, and a master imaging device

(Sato, [0035], in which external command can be sent from SNMP which resides in the platform consists of several image device, and web server, see fig.2, & 3).

6. Regarding claim 4, Sato further discloses the imaging device of claim wherein the device configuration from the second imaging device is selected from a group consisting of at least one of: firmware code, software code, supplemental data, and a configuration parameter (Sato, [0030], [0031], in which the SNMP contains the configuration parameter in the MIB).
7. Regarding claim 5, Sato further discloses the imaging device of claim 4, wherein the device configuration from the second imaging device comprises at least one configuration parameter, where a mask is applied to the at least one configuration parameter to exclude portions thereof from being changed on the imaging device while being upgraded (Sato, [0026], in which the user can set the variable used as the selection criteria to a lower value for avoiding selection).
8. Regarding claims 6-7 have similar limitations as claims 1-5. Therefore, claims 6-7 are rejected for the same reasons set forth in the rejection of claims 1-5.
9. Regarding claim 8, Sato further discloses a method of updating device configuration for imaging devices connected to a network, comprising:
 - defining a list of similar imaging devices connected to the network, wherein the similar imaging devices share a common configuration, firmware, software, or supplemental information; (Sato, [0029], [0030] in fig. 4, it lists the peripheral device with cpu performance, and the

selected device management device 120 in the peripheral device 60, manages the system peripheral devices 50, 70 corresponds to the share a common configuration);

- defining a network location associated with desired configuration for the list of similar imaging devices (Sato, [0028], [0029], I.1-7, in which it set (define) the default URL to the non-selected peripheral devices); and
- directing each imaging device of the list of similar imaging devices to retrieve the configuration from the network location (Sato, [0029], I.10-21, direct the request to a specific device from the network location).

10. Regarding claim 9 has similar limitations as claim 3. Therefore, claim 9 is rejected for the same reasons set forth in the rejection of claim 3.

11. Regarding claim 10, Sato further discloses the method of claim 9

further comprising:

- retrieving the configuration of an imaging device similar to the list of imaging devices with the management facility, wherein the similar imaging device shares a common configuration, firmware, software, or supplemented information with the list of imaging device; (Sato, [0029], [0030] in fig. 4, it lists the peripheral device with cpu performance, and the selected device management device 120 in the peripheral device 60, manages the system peripheral devices 50,

70 corresponds to the share a common configuration); and

- placing the configuration at the network location (Sato, [0030], l. 10-12, [0031], l. 1-10 thru the peripheral communication the configuration is placed in the MIB of SNMP.).

12. Regarding claim 11 has similar limitations as claim 4. Therefore, claim 11 is rejected for the same reasons set forth in the rejection of claim 4.
13. Regarding claim 12 has similar limitations as claim 5. Therefore, claim 12 is rejected for the same reasons set forth in the rejection of claim 5.
14. Regarding claim 13 has similar limitations as claim 9. Therefore, claim 13 is rejected for the same reasons set forth in the rejection of claim 9.
15. Regarding claim 14, Sato further discloses the method of claim 10, further comprising: periodically checking for changes in configuration, and if a change is noted, initiating a follow-up update (Sato, [0046], a new device is added corresponds to the change).
16. Regarding claims 15, 16 have similar limitations as claim 10. Therefore, claims 15, 16 are rejected for the same reasons set forth in the rejection of claim 10.
17. Regarding claim 17 has similar limitations as claim 9. Therefore, claim 17 is rejected for the same reasons set forth in the rejection of claim 9.
18. Regarding claim 18 has similar limitations as claim 10. Therefore, claim 18 is rejected for the same reasons set forth in the rejection of claim 10.
19. Regarding claim 19 has similar limitations as claim 9. Therefore, claim 19
20. Regarding claim 20, Sato further discloses the method of claim 15, wherein

the imaging device selects an appropriate version of the desired configuration from the network location to match its type (Sato, [0032]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898.

The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1/06/06
KYL



**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**